

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Richard Corley, Naomi Daniels, LDC, ¹)	
)	
Plaintiff,)	
)	Civil Action No. 2:23-cv-4935-BHH
v.)	
)	<u>ORDER</u>
Michael Leach, Greg Gomes,)	
Matthew Little John, Henry)	
McMaster,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon the civil action filed by Plaintiff Richard Corley (“Corley”), which also lists Naomi Daniels and LDC as Plaintiffs; however, only Corley signed the complaint. On March 7, 2024, Corley filed a motion to dismiss, apparently seeking to dismiss this action without prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. (ECF No. 6.) The matter was referred to a United States Magistrate Judge for preliminary review in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2), D.S.C.

On March 19, 2024, the Magistrate Judge issued a report and recommendation (“Report”), outlining the issues and recommending that the Court grant in part Corley’s motion to dismiss his own claims without prejudice and deny the motion as to any request to dismiss the claims of Plaintiffs Daniels, LDC, or any trust. However, the Magistrate Judge also recommends that the action be summarily dismissed without prejudice for lack of jurisdiction and failure to state a claim. (ECF No. 8.) Attached to the Magistrate Judge’s Report was a notice advising the parties of the right to file written objections to the Report

¹ Plaintiff LDC is identified by initials because it appears this Plaintiff is a minor. (ECF No. 1 at 15.)

within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. **Accordingly, the Court adopts the Magistrate Judge’s Report (ECF No. 8) and grants in part and denies in part Plaintiff’s motion to dismiss (ECF No. 6). Also, for the reasons set forth in the Report, the Court dismisses this action without prejudice and without issuance and service of process.**

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

April 10, 2024
Charleston, South Carolina